

# Aviation Ruling

## Application of CAR 214 in relation to pilots carrying out maintenance

**Effective Date:** This ruling is effective from 1 March 2003.

**Catchwords:** 'maintenance personnel'  
CAR 214  
CAR 212

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- relies on the ruling in good faith — ie CASA will not allow a person to frustrate the intent of the ruling by adopting an extreme or contrived interpretation of the words of the ruling which results in consequences that were clearly unintended by CASA at the time the ruling was issued;
- only relies on the clear statements of fact and policy in the ruling — ie the ruling is completely self contained and does not permit any additional interpretation of the relevant law, or application of the policy to different fact situations.

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CAR 212

### Issue

- 1 The purpose of this ruling is to state CASA's position on whether persons carrying out 'maintenance' in their capacity as pilots are 'maintenance personnel' within the meaning of **CAR 214**.

### Background

- 2 **CAR 214** provides:

An operator shall ensure that provision is made for the proper and periodic instruction of all maintenance personnel, particularly in connection with the introduction into service of new equipment or equipment with which the maintenance personnel are not familiar, and the training programme shall be subject to the approval of CASA.

Penalty: 50 penalty units.

- 3 In **CAR 214** 'operator' means 'an operator engaging in commercial operations' (**CAR 212**).
- 4 The terms 'maintenance personnel' and 'personnel' are not defined in **the Act**, or the **CARs** or the *Civil Aviation Safety Regulations 1998*.
- 5 The term 'maintenance' is defined broadly in **CAR 2(1)** to include 'the doing of any work ... on the aircraft that may affect the safety of the aircraft ...' and 'the making of a test or an inspection for the purpose of ascertaining whether the aircraft is in a fit state for flying'.
- 6 Pilots are authorised in some circumstances to carry out activities which are maintenance (for example, **CAR 42ZC(3)(c)**).

### Ruling

- 7 Persons who only carry out maintenance in their capacity as pilots are not 'maintenance personnel' within the meaning of **CAR 214**.
- 8 Accordingly, **CAR 214** does not require an operator to make provision for the instruction of pilots.
- 9 Where a person is not only a pilot but is also 'maintenance personnel' – because, for example, they hold an aircraft maintenance engineer licence under **CAR 31** – **CAR 214** can apply in relation to the person in their capacity as maintenance personnel.

- 10 This ruling only relates to **CAR 214**. Other aspects of **the Act**, the **CARs** and/or common law duties of care may require operators to ensure that pilots are appropriately instructed in relation to those of their activities which are maintenance.

### **Definitions**

- 11 In this ruling:  
‘**CARs**’ means the *Civil Aviation Regulations 1988*;  
‘**the Act**’ means the *Civil Aviation Act 1988*.

***[signed by Mick Toller]***

**Mick Toller**  
Director of Aviation Safety  
26 February 2003